

Union Calendar No. 189

111TH CONGRESS
1ST SESSION

H. R. 3618

[Report No. 111-331, Part I]

To provide for implementation of the International Convention on the Control of Harmful Anti-Fouling Systems on Ships, 2001, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 22, 2009

Mr. OBERSTAR (for himself, Mr. MICA, Mr. CUMMINGS, and Mr. LOBIONDO) introduced the following bill; which was referred to the Committee on Transportation and Infrastructure, and in addition to the Committee on Science and Technology, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

NOVEMBER 7, 2009

Reported from the Committee on Transportation and Infrastructure

NOVEMBER 7, 2009

Committee on Science and Technology discharged; committed to the Committee of the Whole House on the State of the Union and ordered to be printed

A BILL

To provide for implementation of the International Convention on the Control of Harmful Anti-Fouling Systems on Ships, 2001, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Clean Hull Act of
5 2009”.

6 **TITLE I—GENERAL PROVISIONS**

7 **SEC. 101. DEFINITIONS.**

8 In this Act:

9 (1) ADMINISTRATOR.—The term “Adminis-
10 trator” means the Administrator of the Environ-
11 mental Protection Agency.

12 (2) ANTIFOULING SYSTEM.—The term
13 “antifouling system” means a coating, paint, surface
14 treatment, surface, or device that is used or intended
15 to be used on a vessel to control or prevent attach-
16 ment of unwanted organisms.

17 (3) CONVENTION.—The term “Convention”
18 means the International Convention on the Control
19 of Harmful Anti-Fouling Systems on Ships, 2001,
20 including its annexes, and including any amend-
21 ments to the Convention or annexes which have en-
22 tered into force for the United States.

23 (4) FPSO.—The term “FPSO” means a float-
24 ing production, storage, or offloading unit.

1 (5) FSU.—The term “FSU” means a floating
2 storage unit.

3 (6) GROSS TONNAGE.—The term “gross ton-
4 nage” as defined in chapter 143 of title 46, United
5 States Code, means the gross tonnage calculated in
6 accordance with the tonnage measurement regula-
7 tions contained in annex 1 to the International Con-
8 vention on Tonnage Measurement of Ships, 1969.

9 (7) INTERNATIONAL VOYAGE.—The term
10 “international voyage” means a voyage by a vessel
11 entitled to fly the flag of one country to or from a
12 port, shipyard, offshore terminal, or other place
13 under the jurisdiction of another country.

14 (8) ORGANOTIN.—The term “organotin” means
15 any compound or additive of tin bound to an organic
16 ligand, that is used or intended to be used as biocide
17 in an antifouling system.

18 (9) PERSON.—The term “person” means—

19 (A) any individual, partnership, associa-
20 tion, corporation, or organized group of persons
21 whether incorporated or not;

22 (B) any department, agency, or instrumen-
23 tality of the United States, except as provided
24 in section 3(b)(2); or

25 (C) any other government entity.

1 (10) SECRETARY.—The term “Secretary”
2 means the Secretary of the department in which the
3 Coast Guard is operating.

4 (11) SELL OR DISTRIBUTE.—The term “sell or
5 distribute” means to distribute, sell, offer for sale,
6 hold for distribution, hold for sale, hold for ship-
7 ment, ship, deliver for shipment, release for ship-
8 ment, import, export, hold for import, hold for ex-
9 port, or receive and (having so received) deliver or
10 offer to deliver.

11 (12) VESSEL.—The term “vessel” has the
12 meaning given that term in section 3 of title 1,
13 United States Code, including hydrofoil boats, air
14 cushion watercraft, submersibles, floating craft,
15 fixed or floating platforms, floating storage units,
16 and floating production, storage, and offloading
17 units.

18 (13) TERRITORIAL SEA.—The term “territorial
19 sea” means the territorial sea as described in Presi-
20 dential Proclamation No. 5928 on December 27,
21 1988.

22 (14) UNITED STATES.—The term “United
23 States” means the several States of the United
24 States, the District of Columbia, Puerto Rico,
25 Guam, American Samoa, the Virgin Islands, the

1 Commonwealth of the Northern Marianas, and any
2 other territory or possession over which the United
3 States has jurisdiction.

4 (15) USE.—The term “use” includes applica-
5 tion, reapplication, installation, or any other employ-
6 ment of an antifouling system.

7 **SEC. 102. COVERED VESSELS.**

8 (a) INCLUDED VESSEL.—Except as provided in sub-
9 section (b), after the Convention enters into force for the
10 United States, the following vessels are subject to the re-
11 quirements of this Act:

12 (1) A vessel documented under chapter 121 of
13 title 46, United States Code, or one operated under
14 the authority of the United States, wherever located.

15 (2) Any vessel permitted by a Federal agency to
16 operate on the Outer Continental Shelf.

17 (3) Any other vessel when—

18 (A) in the internal waters of the United
19 States;

20 (B) in any port, shipyard, offshore ter-
21 minal, or other place in the United States;

22 (C) lightering in the territorial sea; or

23 (D) to the extent consistent with inter-
24 national law, anchoring in the territorial sea of
25 the United States.

1 (b) EXCLUDED VESSELS.—

2 (1) IN GENERAL.—The following vessels are not
3 subject to the requirements of this Act:

4 (A) Any warship, naval auxiliary, or other
5 vessel owned or operated by a foreign state, and
6 used, for the time being, only on government
7 noncommercial service.

8 (B) Except as provided in paragraph (2),
9 any warship, naval auxiliary, or other vessel
10 owned or operated by the United States and
11 used for the time being only on government
12 noncommercial service.

13 (2) APPLICATION TO UNITED STATES GOVERN-
14 MENT VESSELS.—

15 (A) IN GENERAL.—The Administrator may
16 apply any requirement of this Act to one or
17 more classes of vessels described in paragraph
18 (1)(B), if the head of the Federal department
19 or agency under which those vessels operate
20 concurs in that application.

21 (B) LIMITATION FOR COMBAT-RELATED
22 VESSEL.—Paragraph (1) shall not apply to
23 combat-related vessels.

1 **SEC. 104. ADMINISTRATION AND ENFORCEMENT.**

2 (a) IN GENERAL.—Unless otherwise specified in this
3 Act, with respect to a vessel, the Secretary shall admin-
4 ister and enforce the Convention and this Act.

5 (b) ADMINISTRATOR.—Except with respect to section
6 301 (b) and (c), the Administrator shall administer and
7 enforce title III of this Act.

8 (c) REGULATIONS.—The Administrator and the Sec-
9 retary may each prescribe and enforce regulations as may
10 be necessary to carry out their respective responsibilities
11 under this Act.

12 **SEC. 105. COMPLIANCE WITH INTERNATIONAL LAW.**

13 Any action taken under this Act shall be taken in ac-
14 cordance with treaties to which the United States is a
15 party and other international obligations of the United
16 States.

17 **SEC. 106. UTILIZATION OF PERSONNEL, FACILITIES OR**
18 **EQUIPMENT OF OTHER FEDERAL DEPART-**
19 **MENTS AND AGENCIES.**

20 The Secretary and the Administrator may utilize by
21 agreement, with or without reimbursement, personnel, fa-
22 cilities, or equipment of other Federal departments and
23 agencies in administering the Convention, this Act, or any
24 regulations prescribed under this Act.

1 **TITLE II—IMPLEMENTATION OF**
2 **THE CONVENTION**

3 **SEC. 201. CERTIFICATES.**

4 (a) **CERTIFICATE REQUIRED.**—On entry into force of
5 the Convention for the United States, any vessel of at least
6 400 gross tons that engages in one or more international
7 voyages (except fixed or floating platforms, FSUs, and
8 FPSOs) shall carry an International Antifouling System
9 Certificate.

10 (b) **ISSUANCE OF CERTIFICATE.**—On entry into force
11 of the Convention, on a finding that a successful survey
12 required by the Convention has been completed, a vessel
13 of at least 400 gross tons that engages in at least one
14 international voyage (except fixed or floating platforms,
15 FSUs, and FPSOs) shall be issued an International
16 Antifouling System Certificate. The Secretary may issue
17 the Certificate required by this section. The Secretary may
18 delegate this authority to an organization that the Sec-
19 retary determines is qualified to undertake that responsi-
20 bility.

21 (c) **MAINTENANCE OF CERTIFICATE.**—The Certifi-
22 cate required by this section shall be maintained as re-
23 quired by the Secretary.

24 (d) **CERTIFICATES ISSUED BY OTHER PARTY COUN-**
25 **TRIES.**—A Certificate issued by any country that is a

1 party to the Convention has the same validity as a Certifi-
2 cate issued by the Secretary under this section.

3 (e) VESSELS OF NONPARTY COUNTRIES.—Notwith-
4 standing subsection (a), a vessel of at least 400 gross tons,
5 having the nationality of or entitled to fly the flag of a
6 country that is not a party to the Convention, may dem-
7 onstrate compliance with this Act through other appro-
8 priate documentation considered acceptable by the Sec-
9 retary.

10 **SEC. 202. DECLARATION.**

11 (a) REQUIREMENTS.—On entry into force of the Con-
12 vention for the United States, a vessel of at least 24 me-
13 ters in length, but less than 400 gross tons engaged on
14 an international voyage (except fixed or floating platforms,
15 FSUs, and FPSOs) must carry a declaration described in
16 subsection (b) that is signed by the owner or owner's au-
17 thorized agent. That declaration shall be accompanied by
18 appropriate documentation, such as a paint receipt or a
19 contractor invoice, or contain an appropriate endorsement.

20 (b) CONTENT OF DECLARATION.—The declaration
21 must contain a clear statement that the antifouling system
22 on the vessel complies with the Convention. The Secretary
23 may prescribe the form and other requirements of the dec-
24 laration.

1 **SEC. 203. OTHER COMPLIANCE DOCUMENTATION.**

2 In addition to the requirements under sections 201
3 and 202, the Secretary may require vessels to hold other
4 documentation considered necessary to verify compliance
5 with this Act.

6 **SEC. 204. PROCESS FOR CONSIDERING ADDITIONAL CON-**
7 **TROLS.**

8 (a) ACTIONS BY ADMINISTRATOR.—The Adminis-
9 trator may—

10 (1) participate in the technical group described
11 in Article 7 of the Convention, and in any other
12 body convened pursuant to the Convention for the
13 consideration of new or additional controls on
14 antifouling systems;

15 (2) evaluate any risks of adverse effects on non-
16 target organisms or human health presented by a
17 given antifouling system such that the amendment
18 of annex 1 of the Convention may be warranted;

19 (3) undertake an assessment of relevant envi-
20 ronmental, technical, and economic considerations
21 necessary to evaluate any proposals for new or addi-
22 tional controls of antifouling systems under the Con-
23 vention, including benefits in the United States and
24 elsewhere associated with the production and use in
25 the United States and elsewhere, of the subject
26 antifouling system; and

1 (4) develop recommendations based on that as-
2 essment.

3 (b) REFERRALS TO TECHNICAL GROUP.—

4 (1) CONVENING OF SHIPPING COORDINATING
5 COMMITTEE.—On referral of any antifouling system
6 to the technical group described in article 7 of the
7 Convention for consideration of new or additional
8 controls, the Secretary of State shall convene a pub-
9 lic meeting of the Shipping Coordinating Committee
10 for the purpose of receiving information and com-
11 ments regarding controls on such antifouling system.
12 The Secretary of State shall publish advance notice
13 of such meeting in the Federal Register and on the
14 State Department’s Web site. The Administrator
15 shall assemble and maintain a public docket con-
16 taining notices pertaining to that meeting, any com-
17 ments responding to those notices, the minutes of
18 that meeting, and materials presented at that meet-
19 ing.

20 (2) REPORT BY TECHNICAL GROUP.—The Ad-
21 ministrator shall promptly make any report by the
22 technical group described in the Convention available
23 to the public through the docket established pursu-
24 ant to subsection (b) and announce the availability
25 of that report in the Federal Register. The Adminis-

1 trator shall provide an opportunity for public com-
2 ment on the report for a period of not less than 30
3 days from the time the availability of the report is
4 announced in the Federal Register.

5 (3) CONSIDERATION OF COMMENTS.—To the
6 extent practicable, the Administrator shall take any
7 comments into consideration in developing rec-
8 ommendations under subsection (a).

9 **SEC. 205. SCIENTIFIC AND TECHNICAL RESEARCH AND**
10 **MONITORING; COMMUNICATION AND INFOR-**
11 **MATION.**

12 The Secretary, the Administrator, and the Adminis-
13 trator of the National Oceanic and Atmospheric Adminis-
14 tration may each undertake scientific and technical re-
15 search and monitoring pursuant to article 8 of the Con-
16 vention and to promote the availability of relevant infor-
17 mation concerning—

18 (1) scientific and technical activities undertaken
19 in accordance with the Convention;

20 (2) marine scientific and technological pro-
21 grams and their objectives; and

22 (3) the effects observed from any monitoring
23 and assessment programs relating to antifouling sys-
24 tems.

1 **SEC. 206. COMMUNICATION AND EXCHANGE OF INFORMA-**
2 **TION.**

3 (a) IN GENERAL.—Except as provided in subsection
4 (b), with respect to those antifouling systems regulated by
5 the Administrator, the Administrator shall provide to any
6 party to the Convention that requests it, relevant informa-
7 tion on which the decision to regulate was based, including
8 information provided for in annex 3 to the Convention,
9 or other information suitable for making an appropriate
10 evaluation of the antifouling system.

11 (b) LIMITATION.—This section shall not be construed
12 to authorize the provision of information the disclosure of
13 which is otherwise prohibited by law.

14 **TITLE III—PROHIBITIONS AND**
15 **ENFORCEMENT AUTHORITY**

16 **SEC. 301. PROHIBITIONS.**

17 (a) IN GENERAL.—Notwithstanding any other provi-
18 sion of law, it is unlawful for any person—

19 (1) to act in violation of this Act, or any regula-
20 tion prescribed under this Act;

21 (2) to sell or distribute in domestic or inter-
22 national commerce organotin or an antifouling sys-
23 tem containing organotin;

24 (3) to manufacture, process, or use organotin to
25 formulate an antifouling system;

1 (4) to apply an antifouling system containing
2 organotin on any vessel to which this Act applies; or

3 (5) after the Convention enters into force for
4 the United States, to apply or otherwise use in a
5 manner inconsistent with the Convention, an
6 antifouling system on any vessel that is subject to
7 this Act.

8 (b) VESSEL HULLS.—Except as provided in sub-
9 section (c), no vessel shall bear on its hull or outer surface
10 any antifouling system containing organotin, regardless of
11 when such system was applied, unless that vessel bears
12 an overcoating which forms a barrier to organotin leaching
13 from the underlying antifouling system.

14 (c) LIMITATIONS.—

15 (1) EXCEPTED VESSEL.—Subsection (b) does
16 not apply to fixed or floating platforms, FSUs, or
17 FPSOs that were constructed prior to January 1,
18 2003, and that have not been in dry dock on or after
19 that date.

20 (2) SALE, MANUFACTURE, ETC.—This section
21 does not apply to—

22 (A) the sale, distribution, or use pursuant
23 to any agreement between the Administrator
24 and any person that results in an earlier prohi-

1 bition or cancellation date than specified in this
2 Act; or

3 (B) the manufacture, processing, formula-
4 tion, sale, distribution, or use of organotin or
5 antifouling systems containing organotin used
6 or intended for use only for sonar domes or in
7 conductivity sensors in oceanographic instru-
8 ments.

9 **SEC. 302. INVESTIGATIONS AND INSPECTIONS BY SEC-**
10 **RETARY.**

11 (a) IN GENERAL.—The Secretary may conduct inves-
12 tigations and inspections regarding a vessel’s compliance
13 with this Act or the Convention.

14 (b) VIOLATIONS; SUBPOENAS.—In any investigation
15 under this section, the Secretary may issue subpoenas to
16 require the attendance of witnesses and the production of
17 documents and other evidence. In case of refusal to obey
18 a subpoena issued to any person, the Secretary may re-
19 quest the Attorney General to invoke the aid of the appro-
20 priate district court of the United States to compel compli-
21 ance.

22 (c) FURTHER ACTION.—On completion of an inves-
23 tigation, the Secretary may take whatever further action
24 the Secretary considers appropriate under the Convention
25 or this Act.

1 (d) COOPERATION.—The Secretary may cooperate
2 with other parties to the Convention in the detection of
3 violations and in enforcement of the Convention. Nothing
4 in this section affects or alters requirements under any
5 other laws.

6 **SEC. 303. EPA ENFORCEMENT.**

7 (a) INSPECTIONS, SUBPOENAS.—

8 (1) IN GENERAL.—For purposes of enforcing
9 this Act or any regulation prescribed under this Act,
10 officers or employees of the Environmental Protec-
11 tion Agency or of any State designated by the Ad-
12 ministrator may enter at reasonable times any loca-
13 tion where there is being held or may be held
14 organotin or any other substance or antifouling sys-
15 tem regulated under the Convention, for the purpose
16 of inspecting and obtaining samples of any con-
17 tainers or labeling for organotin or other substance
18 or system regulated under the Convention.

19 (2) SUBPOENAS.—In any investigation under
20 this section the Administrator may issue subpoenas
21 to require the attendance of any witness and the
22 production of documents and other evidence. In case
23 of refusal to obey such a subpoena, the Adminis-
24 trator may request the Attorney General to compel
25 compliance.

1 (b) STOP MANUFACTURE, SALE, USE, OR REMOVAL
2 ORDERS.—Consistent with section 104, whenever any
3 organotin or other substance or system regulated under
4 the Convention is found by the Administrator and there
5 is reason to believe that a manufacturer, seller, dis-
6 tributor, or user has violated or is in violation of any provi-
7 sion of this Act, or that such organotin or other substance
8 or system regulated under the Convention has been or is
9 intended to be manufactured, distributed, sold, or used in
10 violation of this Act, the Administrator may issue a stop
11 manufacture, sale, use, or removal order to any person
12 that owns, controls, or has custody of such organotin or
13 other substance or system regulated under the Convention.
14 After receipt of that order the person may not manufac-
15 ture, sell, distribute, use, or remove the organotin or other
16 substance or system regulated under the Convention de-
17 scribed in the order except in accordance with the order.

18 **SEC. 304. ADDITIONAL AUTHORITY OF THE ADMINIS-**
19 **TRATOR.**

20 The Administrator, in consultation with the Sec-
21 retary, may establish, as necessary, terms and conditions
22 regarding the removal and disposal of antifouling systems
23 prohibited or restricted under this Act.

1 **TITLE IV—ACTION ON VIOLA-**
2 **TION, PENALTIES, AND RE-**
3 **FERRALS**

4 **SEC. 401. CRIMINAL ENFORCEMENT.**

5 Any person who knowingly violates the Convention,
6 this Act, or any regulation prescribed under this Act, shall
7 be fined under title 18, United States Code, or imprisoned
8 not more than 6 years, or both.

9 **SEC. 402. CIVIL ENFORCEMENT.**

10 (a) CIVIL PENALTY.—

11 (1) IN GENERAL.—Any person who is found by
12 the Secretary or the Administrator, as appropriate,
13 after notice and an opportunity for a hearing, to
14 have—

15 (A) violated the Convention, this Act, or
16 any regulation prescribed under this Act is lia-
17 ble to the United States Government for a civil
18 penalty of not more than \$37,500 for each vio-
19 lation; or

20 (B) made a false, fictitious, or fraudulent
21 statement or representation in any matter in
22 which a statement or representation is required
23 to be made to the Secretary under the Conven-
24 tion, this Act, or any regulations prescribed
25 under this Act, is liable to the United States for

1 a civil penalty of not more than \$50,000 for
2 each such statement or representation.

3 (2) RELATIONSHIP TO OTHER LAW.—This sub-
4 section shall not limit or affect the authority of the
5 Government under section 1001 of title 18, United
6 States Code.

7 (b) ASSESSMENT OF PENALTY.—The amount of the
8 civil penalty shall be assessed by the Secretary or Adminis-
9 trator, as appropriate, by written notice.

10 (c) LIMITATION FOR RECREATIONAL VESSEL.—A
11 civil penalty imposed under subsection (a) against the
12 owner or operator of a recreational vessel, as that term
13 is defined in section 2101 of title 46, United States Code,
14 for a violation of the Convention, this Act, or any regula-
15 tion prescribed under this Act involving that recreational
16 vessel, may not exceed \$5,000 for each violation.

17 (d) DETERMINATION OF PENALTY.—For purposes of
18 penalties under this section, each day of a continuing vio-
19 lation constitutes a separate violation. In determining the
20 amount of the penalty, the Secretary or Administrator
21 shall take into account the nature, circumstances, extent,
22 and gravity of the prohibited acts committed and, with re-
23 spect to the violator, the degree of culpability, any history
24 of prior offenses, the economic impact of the penalty on

1 the violator, the economic benefit to the violator and other
2 matters as justice may require.

3 (e) REWARD.—An amount equal to not more than
4 one-half of any civil penalty assessed by the Secretary or
5 Administrator under this section may, subject to the avail-
6 ability of appropriations, be paid by the Secretary or Ad-
7 ministrator, respectively, to any person who provided in-
8 formation that led to the assessment or imposition of the
9 penalty.

10 (f) REFERRAL TO ATTORNEY GENERAL.—If any per-
11 son fails to pay a civil penalty assessed under this section
12 after it has become final, or comply with an order issued
13 under this Act, the Secretary or Administrator, as appro-
14 priate, may refer the matter to the Attorney General of
15 the United States for collection in any appropriate district
16 court of the United States.

17 (g) COMPROMISE, MODIFICATION, OR REMISSION.—
18 Before referring any civil penalty that is subject to assess-
19 ment or has been assessed under this section to the Attor-
20 ney General, the Secretary, or Administrator, as appro-
21 priate, may compromise, modify, or remit, with or without
22 conditions, the civil penalty.

23 (h) NONPAYMENT PENALTY.—Any person who fails
24 to pay on a timely basis a civil penalty assessed under
25 this section shall also be liable to the United States for

1 interest on the penalty at an annual rate equal to 11 per-
2 cent compounded quarterly, attorney fees and costs for
3 collection proceedings, and a quarterly nonpayment pen-
4 alty for each quarter during which such failure to pay per-
5 sists. That nonpayment penalty shall be in an amount
6 equal to 20 percent of the aggregate amount of that per-
7 son's penalties and nonpayment penalties that are unpaid
8 as of the beginning of that quarter.

9 **SEC. 403. LIABILITY IN REM.**

10 A vessel operated in violation of the Convention, this
11 Act, or any regulation prescribed under this Act, is liable
12 in rem for any fine imposed under section 18, United
13 States Code, or civil penalty assessed pursuant to section
14 402, and may be proceeded against in the United States
15 district court of any district in which the vessel may be
16 found.

17 **SEC. 404. VESSEL CLEARANCE OR PERMITS; REFUSAL OR**
18 **REVOCATION; BOND OR OTHER SURETY.**

19 If any vessel that is subject to the Convention or this
20 Act, or its owner, operator, or person in charge, is liable
21 for a fine or civil penalty under section 402 or 403, or
22 if reasonable cause exists to believe that the vessel, its
23 owner, operator, or person in charge may be subject to
24 a fine or civil penalty under section 402 or 403, the Sec-
25 retary may refuse or revoke the clearance required by sec-

tion 60105 of title 46, United States Code. Clearance may be granted upon the filing of a bond or other surety satisfaction to the Secretary.

SEC. 405. WARNINGS, DETENTIONS, DISMISSALS, EXCLUSION.

(a) IN GENERAL.—If a vessel is detected to be in violation of the Convention, this Act, or any regulation prescribed under this Act, the Secretary may warn, detain, dismiss, or exclude the vessel from any port or offshore terminal under the jurisdiction of the United States.

(b) NOTIFICATIONS.—If action is taken under subsection (a), the Secretary, in consultation with the Secretary of State, shall make the notifications required by the Convention.

SEC. 406. REFERRALS FOR APPROPRIATE ACTION BY FOREIGN COUNTRY.

Notwithstanding sections 401, 402, 403, and 405, if a violation of the Convention is committed by a vessel registered in or of the nationality of a country that is a party to the Convention, or by a vessel operated under the authority of a country that is a party to the Convention, the Secretary, acting in coordination with the Secretary of State, may refer the matter to the government of the country of the vessel's registry or nationality, or under whose authority the vessel is operating, for appropriate ac-

1 tion, rather than taking the actions otherwise required or
2 authorized by this title.

3 **SEC. 407. REMEDIES NOT AFFECTED.**

4 (a) IN GENERAL.—Nothing in this Act limits, denies,
5 amends, modifies, or repeals any other remedy available
6 to the United States.

7 (b) RELATIONSHIP TO STATE AND LOCAL LAW.—
8 Nothing in this Act limits, denies, amends, modifies, or
9 repeals any rights under existing law, of any State, terri-
10 tory, or possession of the United States, or any political
11 subdivision thereof, to regulate any antifouling system.
12 Compliance with the requirements of a State, territory, or
13 possession of the United States, or political subdivision
14 thereof related to antifouling paint or any other
15 antifouling system does not relieve any person of the obli-
16 gation to comply with this Act.

17 **SEC. 408. REPEAL.**

18 The Organotin Antifouling Paint Control Act of 1988
19 (33 U.S.C. 2401 et seq.) is repealed.

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